

AMNESTY INTERNATIONAL PUBLIC STATEMENT

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Azerbaijani youth activists targeted after using Facebook to call for protests

Two members of the opposition Azerbaijan Popular Front Party's (APFP) youth organization were targeted by police this week after calling for protests against the Azerbaijani government on Facebook. Amnesty International is concerned that the authorities are seeking to further restrict the environment for freedom of expression in Azerbaijan by cracking down on online activism in addition to conventional media.

Jabbar Savalan, a 20-year-old student, was arrested in Sumgayit on 5 February after he posted on Facebook calling for a "Day of Rage" in Freedom Square in Baku, echoing the calls for protest in the Middle East. A month prior to his arrest he had reposted an article, originally published in a Turkish newspaper and critical of Azerbaijan's President, on his Facebook page. Jabbar Savalan had also been involved in a protest against the government on 20 January.

He made the Facebook post on February 4 and was intercepted by police the following night as he returned home from an APFP meeting. Police had searched his home while he attended the meeting, claiming to be acting on an anonymous tip-off.

According to his lawyer, Asabali Mustafayev, police officers handcuffed Jabbar Savalan and forced him into a police car without giving a reason for his arrest or searching him. He was later searched at the police station, where police claim to have found 0.74 grams of marijuana in his coat pocket. He was charged with "possessing narcotics with intent to supply." Despite their claim to be acting on an anonymous tip-off, police did not provide any explanation to Jabbar Savalan or his lawyer as to how it was they believed he had obtained the marijuana, or to whom he intended to supply it. Jabbar Savalan's family and friends say that he has no history of drugs use. His lawyer has called for an independent drugs test to be carried out.

Amnesty International is concerned that the drugs charges are being used as a pretext to punish Jabbar Savalan for his political activism and to discourage other youth activists from exercising their right to freedom of expression. If convicted, Jabbar Savalan could face a prison sentence of up to three years.

On the evening of 5 February he was interrogated without a lawyer, in violation of Article 19 of the Azerbaijani Criminal Procedure Code, and pressured into signing a confession which he has since retracted. Jabbar Savalan's defence lawyer was only allowed to see him on 7 February. The police did not notify Jabbar Savalan's family of his arrest or tell them where he was being held. They have not been allowed to visit him in detention. According to the lawyer police slapped and intimidated Jabbar Savalan, in order to compel him to confess. Police reportedly told him that his punishment had already been decided "at the highest level".

On 7 February Sumgayit District Court ordered Jabbar Savalan to spend two months in pre-trial detention. Azerbaijan is a party to the European Convention on Human Rights, and the European Court has held that continued post-charge but pre-trial detention can only be justified "if there are specific indications of a genuine requirement of public interest which,

notwithstanding the presumption of innocence, outweighs the rule of respect for individual liberty.”

Amnesty International calls on the Azerbaijani authorities to justify Jabbar Salavan’s pre-trial detention in these terms or release him immediately, pending a trial in line with international fair trial standards.

Another member of APFP’s youth group, Elcin Hasanov, was summoned to Sumgayit City Police Department on 9 February to answer questions about posts he had made on Facebook. In the posts he called for youth action after Jabbar Savalan’s arrest. The Police Chief reportedly warned him to retract his comments on Facebook and apologize. He has not done so.

Background

In Azerbaijan, threats, harassment, and acts of violence against journalists and civil society activists are carried out with near total impunity, leading to self-censorship. Criminal and civil defamation laws are used to silence criticism, resulting in prison sentences and heavy fines against journalists and activists.

Journalists and civil society activists are frequently subjected to violence and prevented from carrying out their work, sometimes through excessive use of force by police officers.

Amnesty International has documented several cases where activists and journalists have been targeted by the authorities for peacefully carrying out their right to free expression, and two other cases where outspoken dissents with no prior history of drugs use have been accused of drugs possession by police acting on “anonymous tip-offs”:

EYNULLA FATULLAYEV

On 30 December 2009 critical journalist Eynulla Fatullayev was charged with possessing 0.22 grams of heroin while he was serving an eight and half year prison sentence on charges of defamation, incitement to ethnic hatred, terrorism and tax evasion. The drugs charge was brought shortly after the European Court of Human Rights started reviewing his initial convictions, and Eynulla Fatullayev was convicted and sentenced in July 2010, shortly after the European Court of Human Rights ruled he should be immediately released.

SAKIT ZAHIDOV

Well-known satirist for *Azadliq* newspaper Sakit Zahidov was arrested on 23 June 2006 on charges of possessing and distributing illegal drugs and sentenced to three and a half years’ imprisonment. He claims that drugs were planted on him, and his trial was marked by numerous irregularities, including the failure to call witnesses for the defence, the alleged omission of testimony from the trial record and the withholding of case materials from his lawyer.

At the trial the charge of distributing drugs was reduced to being a user of illegal drugs. Human rights activists in Azerbaijan have told Amnesty International that no laboratory tests were performed to prove Sakit Zahidov’s use of illegal drugs.

BAKHTIYAR HAJIYEV

On 18 November 2010, Bakhtiyar Hajiyev, a youth activist and parliamentary candidate who exposed electoral violations, was detained on the Azerbaijan/Georgia border and held overnight at a military drafting centre before being released. He was threatened with forcible conscription into the army, despite being excused from military service as a registered student and a parliamentary candidate.

ADNAN HAJIZADE AND EMIN MILLI

On 8 July 2009, youth activists and bloggers Adnan Hajizade and Emin Milli were attacked in a restaurant by two unknown men. They tried to make a complaint to the police immediately

after the attack, but instead they were arrested on charges of hooliganism. On 11 November 2009, Adnan Hajizade and Emin Milli were convicted of 'hooliganism' and 'inflicting minor bodily harm', and sentenced to two and two and a half years' imprisonment respectively.

National and international human rights monitors believe the charges were fabricated in response to the bloggers' public criticism of the Azerbaijani government. They were arrested one week after a video produced by Adnan Hajizade had been posted on the video sharing channel YouTube. The video was of a spoof press conference delivered by a donkey and was posted in the wake of a news story about how the Azerbaijani government had allegedly spent hundreds of thousands of dollars importing a dozen donkeys from Germany, in a deal that may have masked corruption or theft of public funds. The video questioned the purchase of the donkeys, the introduction of restrictive legislation for NGOs and the low priority the government attributes to human rights.

Adnan Hajizade and Emin Milli were conditionally released in November 2010 after an international campaign on their behalf.

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